

Even had Defendant filed a proper motion and brief, however, the Court would still deny the motion because it is untimely. Rule 37 of the Federal Rules of Civil Procedure does not specify a specific time limit for the filing of a motion to compel. See Fed. R. Civ. P. 37; PCS Phosphate Co. v. Norfolk Southern Corp., 238 F.R.D. 555, 558 (E.D.N.C. 2006). Absent a specific order from the Court in the scheduling order, a party must generally move to compel a party to comply with a discovery request prior to the close of discovery or the motion is untimely. See Days Inn Worldwide, Inc. v. Sonia Invs., 237 F.R.D. 395, 397-98 (N.D. Tex. 2006) (collecting cases); U.S. v. \$28,720.00 in United States Currency, No. 1:13cv106, 2014 WL 1570925, at *1 (W.D.N.C. Apr. 17, 2014) (Howell, Mag. J.); Wellness Group, LLC v. King Bio, Inc., No. 1:12cv281, 2013 WL 5937722, at *1 (W.D.N.C. Nov. 4, 2013) (Howell, Mag. J.); Murphy v. Auto Advantage, Inc., 2012 WL 28781, at *1 (W.D.N.C. Jan. 5, 2012) (Howell, Mag. J.); Rudolph v. Buncombe Cnty Gov't, No. 1:10cv203, 2011 WL 5326187 (W.D.N.C. Nov. 4, 2011) (Howell, Mag. J.).

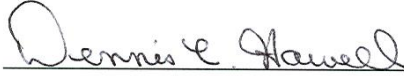
Discovery in this case closed May 1, 2014. As the Pretrial Order warned the parties. “[m]otions to compel must be filed within the discovery period or they may be deemed waived.” (Order, Nov. 5, 2013 at p. 6.) Defendant waited until May 19, 2014, several weeks after the close of discovery, to file its Motion to

Compel. Accordingly, Defendant's motion is untimely. Discovery in this case is closed. Summary Judgment motions are due June 1, 2014.

II. Conclusion

The Court **DENIES** the Motion to Compel [# 15].

Signed: May 20, 2014

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Dennis L. Howell
United States Magistrate Judge

